

planets to the outer limits, searching for answers to the mysteries of the universe.

AN INDEPENDENT JUDICIARY AND FEDERAL JUDICIAL PAY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 1997

Mr. CONYERS. Mr. Speaker, I am attaching a copy of two important resolutions adopted by the United Conference of Mayors, at their meeting in San Francisco last month. These resolutions reflect strong support across the country for protecting a cornerstone of our democracy—an independent judiciary. The Conference also recognizes that to preserve an independent judiciary Federal judges must be adequately and fairly compensated. I encourage Members to take a moment to review these resolutions. Federal judges have not received a pay increase since 1993, therefore, I also urge Members to support a salary increase for Federal judges which will help ensure an effective and independent judiciary; and reject legislation that seeks to undermine the judiciary's integrity:

RESOLUTION NO. 43: AN INDEPENDENT JUDICIARY

Submitted by: The Honorable Dennis Archer,
Mayor of Detroit

Whereas, an independent judiciary is a fundamental part of our system of democracy; and

Whereas, in recognition of the need to preserve judicial independence, Article III of the United States Constitution provides for lifetime tenure for federal judges and indicates that they can only be removed from office for "Treason, Bribery, or other high Crimes and Misdemeanors"; and

Whereas, judges are required to decide cases based upon the evidence presented and the applicable law, regardless of the political popularity of those decisions; and

Whereas, this doctrine of judicial independence enshrined in our Constitution and laws has made the courts of this country the protectors of the politically weak and unpopular; and

Whereas, in August 1993 the National Commission on Judicial Discipline and Removal which was created by the United States Congress reported that while from time to time various federal judges have been removed from office for specific acts of official or personal misconduct, Congress has never removed a federal judge from office simply because it disagreed with his or her judicial decisions; and

Whereas, it appears that certain members of Congress who disagree with the judicial decisions rendered by various federal judges are threatening to use the congressional impeachment power to remove those judges from the bench; and

Whereas, such threats chill the independence of the judiciary and violate the separation of powers doctrine contained in the United States Constitution by substituting congressional use of the impeachment power for the constitutional process of appellate review of judicial decisions; and

Whereas, the threat by certain members of Congress to institute impeachment proceedings against federal judges whose decisions they find politically unpopular is an attempt to undermine the separation of powers doctrine contained in the United States Constitution by subordinating objective and ra-

tional legal decision making to popular political whims; and

Whereas, it further appears that certain members of the Senate are attempting to prevent action by that body on the confirmation of various judicial nominations which have been submitted to the Senate; and

Whereas, it appears that this refusal to act on judicial nominations is based on concerns regarding the nominees' political ideology rather than concerns regarding the nominees' legal qualifications or ability to perform the duties of the office to which they were appointed; and

Now, Therefore, Be It Resolved that The United States Conference of Mayors affirms its support for a strong and independent federal judiciary; and

Be it further Resolved that The United States Conference of Mayors calls upon the Senate and in particular the Senate Judiciary Committee to handle judicial confirmation proceedings in an objective and expeditious matter.

Projected Cost: None

RESOLUTION NO. 42: JUDICIAL PAY

Submitted by: The Honorable Dennis Archer,
Mayor of Detroit

Whereas a strong and independent federal judiciary is important to our nation's system of democracy; and

Whereas, as indicated by Senator Orrin G. Hatch: "If we are to attract and retain the most capable lawyers to serve as federal judges, it is vitally important that we ensure that those responsible for the effective functioning of the judicial branch receive fair compensation, including reasonable adjustments, which allow judicial salaries to keep pace with increases in the cost of living;" and

Whereas, adequate compensation for federal judges helps to insure that our judiciary is reflective of the whole of our society. As indicated by Judge Barefoot Sanders: "We enjoy a pluralism in the judiciary that is enriched by diverse backgrounds in race, gender, and religion, as well as prior careers and expertise. If judicial salaries are frozen, our judiciary would face a different future if we desire to continue the pluralism and competence we presently enjoy;" and

Whereas, federal judges have not received a pay increase or adjustment since 1993; and

Whereas, salary increases and adjustments for federal judges are statutorily linked to those for members of the United States Congress and the President of the United States; and

Whereas, unlike those elected officials, members of the federal judiciary are appointed to a lifetime term of office; and

Whereas, in his 1996 Year End Report on the Judiciary, Chief Justice Rehnquist said: "The significance of Congress' failing both to repeal Section 140 and to grant an ECI adjustment to judges' salaries cannot be overstated in terms of its effect on the morale and quality of the federal judiciary. Section 140 jeopardizes the ability to retain and recruit to the Judiciary the most capable lawyers from all socio-economic classes and geographic areas, including high cost-of-living urban areas. We must insure that judges, who make a lifetime commitment to public service, are able to plan their financial futures based on reasonable expectations;" and

Whereas, both the House and Senate have before them bills sponsored by the Chairman of the House and Senate Judiciary Committees and co-sponsored by the Ranking Members that, if adopted, would:

Give federal judges a "catch-up" pay adjustment;

Sever the linkage between judicial, congressional and executive schedule compensa-

tion and substitute a provision linking adjustments to the pay of federal judges to the mechanism for adjusting the general schedule pay rates of other career government employees; and

Repeal Section 140 of Public Law No. 97-92 that makes judicial cost-of-living pay increases subject to Congressional approval.

Now, therefore, be it Resolved that The United States Conference of Mayors supports the legislation that will adjust, and provide a procedure for the future adjustment of, the salaries of federal judges and urges its speedy adoption.

Projected Cost: Unknown

DEATH ON THE HIGH SEAS ACT

SPEECH OF

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Mr. FORBES. Mr. Speaker, I rise in support of H.R. 2005, the Airline Disaster Relief Act, which updates the Death on the High Seas Act. Along with Congressman MCDADE, I introduced this act to prevent the injustices visited upon constituents from both of our districts who suffered great losses aboard TWA 800. The act revises an outdated Federal law, and allows full compensation for families of victims of aviation disasters like TWA 800, which occurred in my home district in eastern Long Island.

Because of the outdated provisions of a law adopted 77 years ago, the families of victims of crashes like TWA flight 800 do not have the same legal recourse that the survivors of other incidents have. Adopted in 1920, the Death on the High Seas Act was designed to allow the surviving family of sailors lost at sea to sue for lost wages. In subsequent court rulings, it has been determined that the act applies to all maritime and aviation disasters that occur more than 1 marine league, or 3 miles from American shoreline.

Because it crashed 9 miles off Long Island's South Shore, the Supreme Court has ruled that TWO flight 800 is not covered by the act. In previous cases, the courts have also ruled that plaintiffs in high seas cases are not entitled to damages for pain and suffering or loss of companionship. These changes amend the Death on the High Seas Act, so that it covers all aviation disasters since January 1, 1995, and grants families the right to file suit for a jury trial in State court, rather than present their claim to a judge under maritime law.

Mr. Speaker, I urge my colleagues to support these changes to the Death on the High Seas Act, so that tragedies like TWA 800 are not compounded by the injustices of outdated laws pertaining to these situations.

MORATORIUM ON LARGE FISHING VESSELS IN ATLANTIC

SPEECH OF

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, July 28, 1997

Mr. WEYGAND. Mr. Speaker, as an original cosponsor of this legislation, I rise in strong